

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

TERRENCE J. HANCOCK, <i>et al.</i> ,)	
)	
Plaintiffs,)	CIVIL ACTION
)	
vs.)	NO. 18 C 3304
)	
MIDWEST REM ENTERPRISES, INC.,)	CHIEF JUDGE REBECCA R.
an Illinois corporation,)	PALLMEYER
)	
Defendant.)	

JUDGMENT ORDER

This matter coming on to be heard upon the Motion of Plaintiffs, by their counsel, it appearing to the Court that the Defendant, MIDWEST REM ENTERPRISES, INC., an Illinois corporation, having been regularly served with process and having failed to appear, plead or otherwise defend, and default of said Defendant having been entered on July 17, 2018, the Court, first being fully advised in the premises and upon further evidence submitted herewith, FINDS:

1. It has jurisdiction of the subject matter herein and of the parties hereto.
2. The Defendant is bound by the terms of the collective bargaining agreement referred to in the Complaint of Plaintiffs.
3. The Defendant is obligated to make contributions to each of the Plaintiff Funds in accordance with collective bargaining agreement.
4. The Defendant is bound by all the terms and conditions set forth in the Agreements and Declarations of Trust governing the Plaintiff Funds.
5. Defendant has made available to the Plaintiffs payroll books and records for the purpose of taking an account as to all employees of the Defendant covered by the collective

bargaining agreement referred to in the Complaint of the Plaintiffs to determine amounts due to Plaintiffs.

6. Plaintiffs, by the accounting firm of MacNell Accounting and Consulting, L.L.P., caused an audit to be made to cover the period January 1, 2017 through December 31, 2018.

7. Upon such audit, it is determined that there is due and owing, for such audited period, to Plaintiffs, the amount of \$228,028.12 for contributions, \$41,613.48 for liquidated damages and \$26,531.75 for interest, or a total of \$296,173.35.

8. Plaintiffs are entitled to make a further audit of the payroll books and records to cover periods not previously audited by Plaintiffs.

9. Defendant has failed to timely make all contributions required to be made to the Plaintiff Funds; as provided in the Agreements and Declarations of Trust governing the respective Funds, Plaintiffs are entitled to recover:

- (a) the cost of the audit of the payroll books and records of Defendant;
- (b) a sum equal to twenty (20%) percent of the amount determined to be due for liquidated damages and 1% compounded monthly for interest;
- (c) costs and expenses of the Trustees, including their reasonable attorneys' fees.

10. Plaintiffs have expended the sum of \$1,600.50 for the purpose of making an audit of the payroll books and records of the Defendant.

11. There is no just cause for delay in the entry of a Judgment Order as to the sum of \$305,466.22 owed to the Plaintiffs from Defendant.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:

A. That Plaintiffs recover from the Defendant, MIDWEST REM ENTERPRISES, INC., an Illinois corporation, the sum of \$228,028.12 for contributions, \$41,613.48 for liquidated damages and \$26,531.75 for interest, or a total sum of \$296,173.35.

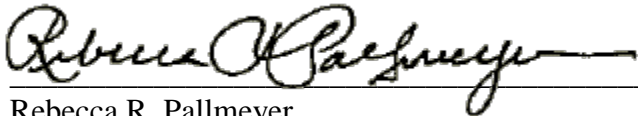
B. That Plaintiffs recover from the Defendant, MIDWEST REM ENTERPRISES, INC., an Illinois corporation, the costs of these proceedings to include the sum of \$1,600.50 expended by Plaintiffs for the purpose of making the audit in this cause.

C. That Plaintiffs recover from the Defendant, MIDWEST REM ENTERPRISES, INC., an Illinois corporation, the sum of \$752.37 for their costs and \$6,940.00 as and for Plaintiffs' just and reasonable attorneys' fees.

D. That Plaintiffs recover from the Defendant, MIDWEST REM ENTERPRISES, INC., an Illinois corporation, the total sum of **\$305,466.22**, which includes contributions, liquidated damages, interest, audit fees, attorneys' fees and costs, plus post-judgment interest on said amount at the rate required by 28 U.S.C. §1961.

E. Plaintiffs are awarded execution for the collection of the judgments and costs granted hereunder.

ENTER:



Rebecca R. Pallmeyer
United States District Judge

10/31/19

